

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN DIAZ,

Defendant.

CASE NO. 19-38-JLR

**ORDER REVOKING
APPEARANCE BOND AND
DETAINING DEFENDANT**

The Court has conducted an evidentiary hearing regarding allegations defendant violated his condition of release and concludes there are no conditions which the defendant can meet which would reasonably assure the defendant's appearance as required or the safety of any other person and the community.

FINDINGS FOR REVOCATION AND DETENTION

Following defendant's release, the United States Pretrial and Probation Office filed a series of petitions alleging defendant violated conditions of release. On September 14, 2020, the Court conducted an evidentiary hearing and found defendant had violated his conditions of release by using methamphetamine, failing to appear for drug testing on August 17, 2020, failing to abide by COVID-19 restrictions, possessing a firearm when arrested on August 24, 2020, and possessing two internet capable smart phones when arrested.

1 Although defendant requested that he be release pending his sentencing hearing which is
2 set for September 15, 2020, the Court finds the number of violations and the severity of the
3 violations culminating with holding a gun when confronted by the arresting U.S. Marshals call
4 for detention.

5 It is therefore **ORDERED**:

6 (1) Defendant shall be detained pending trial and committed to the custody of the
7 Attorney General for confinement in a correctional facility separate, to the extent practicable,
8 from persons awaiting or serving sentences, or being held in custody pending appeal;

9 (2) Defendant shall be afforded reasonable opportunity for private consultation with
10 counsel;

11 (3) On order of a court of the United States or on request of an attorney for the
12 Government, the person in charge of the correctional facility in which Defendant is confined
13 shall deliver the defendant to a United States Marshal for the purpose of an appearance in
14 connection with a court proceeding; and

15 (4) The Clerk shall provide copies of this order to all counsel, the United States
16 Marshal, and to the United States Probation and Pretrial Services Officer.

17 DATED this 14th day of September, 2020.

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20 BRIAN A. TSUCHIDA
21 Chief United States Magistrate Judge
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